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Jacqueline Manzano
1951 Corvette Street
Las Vegas, Nevada 89142
702-788-0599
Plaintiff in proper person

2013 FEB -6 P 1:25

**UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA**

JACQUELINE MANZANO,

Plaintiff(s),

2:13-cv-00195-GMN-VCF

-vs-

UNITED RECOVERY SYSTEMS, LP,

Defendant(s).

VERIFIED COMPLAINT

ORIGINAL VERIFIED COMPLAINT

COMES NOW Plaintiff, Jacqueline Manzano, in proper person, hereby
sues Defendant, United Recovery Systems, LP. for violations of the Telephone
Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii),
for violations of the Fair Debt Collection Practices Act 15 U.S.C. §1692 *et seq.*;
(hereinafter "FDCPA") and for violations of the Federal Fair Debt Collection practices
Act (hereinafter "FFDCPA") N.R.S. .649 *et seq.* and claims the following;

I. INTRODUCTION

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendants for violations of the Telephone Consumer Protection Act (hereinafter "TCPA") Sec. 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii) and for damages for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. §1692 *et seq.*; (hereinafter "FDCPA") and for violations of the Federal Fair Debt Collection

2. practices Act N.R.S. .649 *et seq.* which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
3. Plaintiff further alleges a claim for invasion of privacy ancillary to Defendant's collection efforts and of State law obligations brought as supplemental claims including, but not limited to, harassment.
4. Plaintiff contends that the Collection Company Defendant has violated such laws by repeatedly harassing Plaintiff in attempts to collect a consumer debt from an individual Party unrelated and unknown to Plaintiff, through the use of an automated telephone dialing system with 'no caller ID" thereby availing itself the opportunity to remain an unknown caller.
5. At all times relevant hereto Defendant and its agents agreed amongst themselves and in combination with each other and various agents known and unknown as to each overt act to engage in unlawful actions for a common purpose, to wit, to perpetrate a fraud against Plaintiff with reckless disregard while it was engaged in intentional and improper conduct.

II. JURISDICTION AND VENUE

6. Jurisdiction of this Court arises under 47 U.S.C. §227(b)(3), and supplemental jurisdiction exists for the State law claims pursuant to 28 U.S.C. §1367.
7. This court has jurisdiction because Plaintiff resides here, the acts complained of herein occurred here, and Defendant conducts business here.
8. This court has jurisdiction because the Defendants violated NRS §649.375 because the defendant reached into Clark County availing itself of the protection of the laws of Clark County Nevada and the defendants acts in this County gave rise to the causes of action asserted herein.
9. This court has jurisdiction according to NRS §649.375 because defendant engages in business in this State, to wit, debt collection and its business in this State gives rise to the causes of action asserted herein.
10. This court has jurisdiction over defendant pursuant to NRS §649.375 because the defendant caused injury to a person within the State of Nevada, to wit, while it was engaged in service activities, to wit, in debt collection within the State of Nevada.

1 **11.** This court has jurisdiction over defendant pursuant to NRS §649.375 because the
2 defendant carries on business in the State of Nevada and Defendant has violated
3 the TCPA and FDCPA, and defendant has violated the acts by continuously
4 attempting to collect a consumer debt by repeatedly calling Plaintiffs cellular phone
causing recurring charges to the Plaintiffs cellular phone.

5 **12.** This court has jurisdiction because Defendants conduct business in the State of
6 Nevada and committed the acts that form the basis for this suit, to wit, the
7 collection of a consumer debt by use of the telephone with the intent to
8 cause effects in the County of Clark, State of Nevada, this Court has personal
jurisdiction over the Defendant(s) for purposes of this action.

9 **13.** Venue is proper in the District of Clark County, Nevada because the acts of
10 Defendant give rise to the causes of action that took place within this County
11 particularly by placing automated calls that were made and connected to Clark
County, and the communications in question are all related to consumer debt.

12 **14.** Venue is proper in this District pursuant to 28 U.S.C. §1391b, in that the Plaintiff
13 resides here, the Defendants transact business here, to wit, the collection of
14 consumer debt, and the conduct complained of occurred here.

15 **15.** The conditions precedent to the filing of this action had been performed.

17 **III. PARTIES**

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19 **16.** Plaintiff, Jacqueline Manzano, is a natural person and is a resident of Clark County,
20 State of Nevada.

21 **17.** Defendant, United Recovery Systems, LP, (hereinafter "**URS**") is a foreign
22 corporation, with a business address located at; 5800 N. course Dr., Houston, TX
77072.

23 **18.** URS is a debt collecting corporation engaged in the business of collecting
24 consumer debts by use of the mails and telephone, and URS regularly attempts to
25 collect consumer debts alleged to be due another.

26 **19.** URS is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6)
27 attempting to collect a "debt" as defined by 15 U.S.C. §1692(a)(5).
28

1 20. Discovery of the FDCPA violations brought forth herein occurred within one year
2 and said violations are within the statute of limitations as defined in the Fair Debt
Collection Practices Act, FDCPA, 15 U.S.C. § 1692 *et seq.*

3 21. Discovery of the TCPA violations brought forth herein occurred within the statute of
4 limitations as defined in the Telephone Consumer Protection Act, TCPA 47 U.S.C.
5 §227 *et seq.*

6 **IV. FACTUAL ALLEGATIONS**

7
8 22. On or about November of 2012 Manzano began receiving multiple automated
9 prerecorded calls from the unknown entity, URS. Therefore, the TCPA violations
are within the statute of limitations as defined by 28 U.S.C. §1658(a).

10 23. Manzano has no established business relationship with URS in any capacity and
11 the statute prohibits placing a call that uses an artificial or prerecorded voice to a
12 person's cellular phone without the prior consent of the called party.

13 24. URS has demonstrated willful and knowing non-compliance with 47 U.S.C.
14 §227(b)(1)(A) as Manzano received multiple calls from URS using an automatic
15 telephone dialing system (ATDS) with prerecorded messages from URS, each call
16 failed to release Manzano's telephone line within 5 seconds following the
prerecorded message.

17 25. Upon information and belief URS placed multiple calls to Manzano's cell phone, "No
18 caller ID," in an attempt to collect a consumer debt and repeatedly invaded the
19 privacy of Manzano by the use of eight (8) different phone numbers, (**EXHIBIT I**
20 **attached hereto**) to her emergency cellular phone number 702-588-8241, without
identifying the call causing recurring charges and financial loss to Manzano.

21 26. The automated and prerecorded calls URS placed to Manzano's cell phone were
22 "automated voice prompts" directed to an individual party unrelated and unknown to
23 her and repeatedly invaded the privacy of Manzano, this intrusion violated her
24 civil rights, violating Federal and State law, and caused her financial loss.

25 27. Manzano attempted, in good faith, to mitigate and resolve with URS prior to the
26 filing of this action. However, her good faith efforts to mitigate and resolve, were
27 to no avail, as URS adamantly denies liability and is unwilling to resolve without
28 court intervention, leaving Manzano no choice but to file this action with the US
District Court.

1 **28.** URS failed in its duties and legal obligations to comply with the FDCPA §1692 et
2 seq. and the NV FFDCPA as defined in N.R.S. 649.370, 649.375.

3 **29.** Upon information and belief URS utilizes an vendor service to identify whether the
4 number it calls is a wireless number, also encompassing a massive data base of
5 autodialers, using a wide range of different phone numbers with "no caller ID," for
6 the purpose of transparency to the called party. In reckless disregard of the privacy
7 rights of the person who answers the call. All in an effort to collect an alleged
8 consumer debt.

9 **30.** Upon information and belief, URS actually had a "high degree of awareness" and
10 acted voluntarily, URS is, at the very least, a foreign corporation, and a "debt
11 collector" prior to, during and after contacting Manzano by phone, using an
12 automated dialing system for the purpose to collect an alleged consumer debt and
13 therefore is liable for damages for violations of the FDCPA, the FFDCPA and the
14 TCPA as described in the following causes of action.

15 **V. FIRST COUNT**
16 **VIOLATIONS OF THE TELEPHONE CONSUMER**
17 **PROTECTIONS ACT 47 U.S.C. §§ 227 et seq.**

18 **31.** Plaintiff incorporates all preceding paragraphs as fully set forth herein.

19 **32.** Defendant, URS is an unknown entity, is a "debt collector" as defined by the
20 FDCPA, 15 U.S.C. § 1692a(6) attempting to collect a "debt" as defined by 15
21 U.S.C. §1692(a)(5).

22 **33.** URS' violations include but are not limited to the following;

23 **34.** URS' violations of the TCPA has demonstrated willful or knowing non-compliance
24 with 47 U.S.C. §227(b)(1)(A) by using an automatic telephone dialing system to call
25 Manzano's number, which is assigned to a cellular telephone service.

26 **35.** URS placed multiple calls to Manzano' cell phone in an attempt to collect a
27 consumer debt from an individual Party unknown to her and repeatedly, willfully
28 and intentionally invaded the privacy of Manzano by using eight (8) different
phone numbers to place calls to her emergency cellular number.

36. No established business relationship exists between URS and Manzano within the
meaning of 47 U.S.C. §227, nor has she ever given URS permission to call her cell
phone, as a result URS' actions were willful in violation of 47 U.S.C. §227(b)(1)(A).

1 37. Upon information and belief, URS actually had a "high degree of awareness" and
2 acted voluntarily and at the very least, knew or should have known that placing
3 multiple calls using an automated dialing system to Manzano's cellular phone, is a
4 violation of federal law.

5 38. As a result of breaching its duties and legal obligations, Defendant's
6 repeated telephone calls using an automatic dialing system without prior
7 express consent are willful within the meaning of 47 U.S.C. §227(b)(3).

8 39. The statute prohibits placing a call that uses an artificial or prerecorded voice to a
9 person's cell phone without the prior consent of the called party, and URS was
10 negligent for failing to properly investigate the phone records to ensure the number
11 they were calling was accurate and assigned to the intended called party.

12 40. On various dates and times URS placed calls to Manzano' cell phone, using a
13 variety of phone numbers, (**Exhibit I** attached hereto), thereby demonstrating
14 willful and knowing deceptive behavior because, the multiple calls were not for an
15 emergency purpose nor in accordance with 47 U.S.C. §227(b)(1)(A).

16 41. URS' deliberate actions in this matter portrays extremely threatening and egregious
17 behavior against the least sophisticated consumer, much less the wrong party,
18 as URS is a foreign and unknown entity to Manzano and she has never
19 voluntarily given express consent to URS to call her cellular phone, as defined
20 by 47 U.S.C. §227(b)(1)(A). Further, URS called Manzano at 5:04am on December
21 12th, 2012, from the following phone number 1-888-733-1288, (**See EXHIBIT II**
22 **attached hereto**).

23 42. Each call placed by URS to Manzano cell phone is a direct violation of 47 U.S.C.
24 §227(b)(1) of the TCPA, because Manzano is not the intended party that URS was
25 attempting to reach.

26 43. URS's aforementioned violations of the TCPA, FDCPA and UDTPA also constitute
27 an invasion of Manzano' right to privacy, causing injury to her to the point of mental
28 anguish, distress, frustration and financial loss.

WHEREFORE, Plaintiff respectfully prays that this court enter judgment for treble
damages against URS for its violations of the TCPA, for actual and statutory damages,
any punitive damages, costs incurred and attorney's fees, should Plaintiff need to retain
counsel for trial of this case.

VI. SECOND COUNT
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. §1692 c(a)(1), §1692e, §1692f, §1692 f(5), §1692d, §1692 d(5)
and §1692 d(6)

44. Plaintiff incorporates all preceding paragraphs as fully set forth herein.

45. Plaintiff is an individual and a consumer as defined by the FDCPA, 15 U.S.C. § 1692a(3).

46. URS is an unknown entity and "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6) attempting to collect a "debt" as defined by 15 U.S.C. §1692(a)(5).

47. Discovery of the FDCPA violations brought forth herein occurred within one year and said violations are within the statute of limitations as defined in the Fair Debt Collection Practices Act, FDCPA, 15 U.S.C. § 1692 *et seq.*

48. URS's violations include but are not limited to the following;

49. URS willfully violated 15 U.S.C. §1692 c(a)(1) by calling Manzano at 5:04am which is an extremely inconvenient time and an egregious intrusive act as evidenced in **Exhibit II** attached hereto.

50. URS willfully violated 15 U.S.C. §1692e by making false and misleading representations in their automated prerecorded calls to Plaintiff, in connection with its attempt to collect a consumer debt directed to the wrong party, using an artificial recording instructing Manzano, via a voice prompt, to press a number on the key pad, thereby causing her to incur charges to her cell phone at her own expense.

51. URS violated 15 U.S.C. §1692f by willfully and negligently using unfair and unconscionable means to collect a consumer debt, by repeatedly placing automated prerecorded calls to Plaintiff's cell phone, using eight (8) different phone numbers, causing her to answer the phone with the belief that it could be an emergency, thereby harassing and confusing the Plaintiff to the point of frustration.

52. URS willfully violated 15 U.S.C. §1692f(5) by willfully and negligently using eight (8) different phone numbers to call Plaintiff's emergency cell phone with reckless disregard of the multiple charges and financial loss to the Manzano.

53. URS violated 15 USC §1692d and §1692 d(5) of the FDCPA, by causing Manzano's cell phone to ring repeatedly using an automated prerecorded voice message., with intent to annoy, harass and abuse the called party.

54. URS violated 15 USC §1692 d(6) by placing multiple calls to Plaintiffs cell phone

55. using an automated prerecorded voice without disclosing the callers identity, the

56. consequences of the URS' conduct did in fact harass, oppress and abuse Manzano to the point of frustration and financial loss.

57. URS's aforementioned violations of the FDCPA also constitute an intentional intrusion into Plaintiff's private places and into private matters of Manzano's life, conducted in a manner highly offensive to a reasonable person. With respect to these activities of URS, Manzano had a subjective expectation of privacy and peaceful rest that was objectively reasonable under the circumstances. Because each time URS called Manzano emergency cellular number she was forced to pick up and answer the phone believing it was an emergency call from her sibling, as evidenced in **Exhibit II** attached hereto.

WHEREFORE, Plaintiff demands judgment for damages against URS's reckless and unconscionable behavior, for actual and statutory violations of the FDCPA, all costs incurred, any punitive damages and attorney's fees, should Plaintiff find it necessary retain counsel for trial of this case.

VII. COUNT THREE

VIOLATIONS OF THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT

N.R.S. 649.370, 649.375 and 15 U.S.C. §§ 1682 et seq

58. Plaintiff incorporates all preceding paragraphs as fully set forth herein.

59. URS is an unknown entity and a "debt collection agency" as defined by the NRS 649.020 attempting to collect a "claim" as defined by NRS 649.010.

60. A violation of any provision of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1682 et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter. (Added to NRS by 2007, 2500).

61. URS' violations of the NV Federal Fair Debt Collection Practices Act, (hereinafter "FFDCPA") include but are not limited to the following;

1 62. URS violated the FFDCPA, NRS 649.370 by using an automated telephone device
2 consisting of eight (8) different phone numbers to place multiple calls to Manzano's
3 cellular phone without identifying the caller, thereby availing itself the opportunity to
4 remain an unknown caller which is an unfair and deceptive practice, to wit, willfully
5 and intentionally misleading, annoying and frustrating Manzano, a senior citizen.

6 63. URS violated the FFDCPA, NRS 649.370 by using an automated telephone device
7 consisting of eight (8) different phone numbers to place multiple calls to Manzano's
8 cellular phone without identifying the caller, in an attempt to reach Party unrelated
9 and unknown to her, resulting in recurring charges to her cellular phone at the
10 expense of Manzano, thereby demonstrating willful and intentional non-compliance
11 with the act because, NRS 649.375 specifically prohibits a collection agency, or its
12 manager, agents or employees to use any device, pretense or deceptive means or
13 representations to collect any debt.

14 64. URS violated NRS 649.375 by using an automated telephone device in an attempt
15 to reach another Party unrelated and unknown to Manzano, without first taking
16 proper measures to insure the phone number they were calling was assigned to the
17 correct called party, in reckless disregard of Manzano's right to privacy.

18 **WHEREFORE**, Plaintiff prays for judgment against Defendant, for actual, statutory
19 damages, any punitive damages, costs incurred and attorney's fees should Plaintiff find
20 it necessary to retain counsel for trial of this case.

21 **VIII. COUNT FOUR**

22 **(COMMON LAW INVASION OF PRIVACY BY INTRUSION)**

23 65. Plaintiff incorporates all preceding paragraphs as fully set forth herein.

24 66. As a direct and proximate cause of the acts described above, Plaintiff has
25 sustained and suffered damages.

26 67. The Defendant's conduct as alleged herein was willful, intentional, oppressive,
27 fraudulent, malicious, and done in reckless disregard of the safety rights of
28 Plaintiff, thereby warranting the imposition of punitive damages to be determined by
this honorable court.

68. In the event Plaintiff has to retain the services of legal counsel, Plaintiff is entitled to an award of reasonable attorneys' fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant, on all counts complained of herein, to the fullest extent of the law.

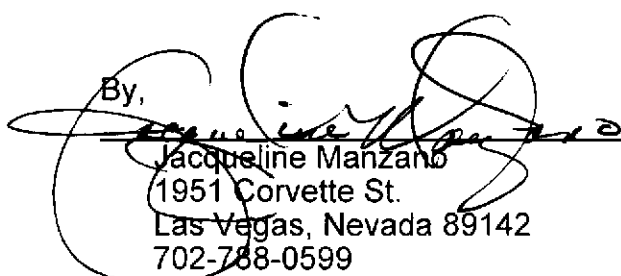
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted:

Dated this 6th day of February, 2013

By,


Jacqueline Manzano
1951 Corvette St.
Las Vegas, Nevada 89142
702-788-0599

Plaintiff in proper person

VERIFICATION

I am over the age of 18 and competent to certify that the above Statements are true, correct, complete and not misleading, to the best of my knowledge, except those Statements that are based upon information and belief. I understand that a false Statement in this Verified Complaint may subject me to penalties of perjury.

Respectfully submitted:

Dated this 6TH day of February, 2013

By, 

Jacqueline Manzano
1951 Corvette St.
Las Vegas, Nevada 89142
702-788-0599
Plaintiff in proper person

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**EXHIBIT I
(PHONE NUMBER LIST)**

Unknown foreign entity: **UNITED RECOVERY SYSTEMS, INC** uses the following phone numbers: **866-815-8808, 866-815-3211, 866-891-6939, 866-891-6937, 866-891-6934, 888-733-1288, 888-733-1270, 888-763-2427 and 800-662-1877**

Manzano received automated calls on the following dates and times:

1. Monday, , Dec. 10, 2012, 12:23 pm I received a call from
866-815-8808.....**United Recovery Systems**
2. Tuesday, Dec. 11, 2012 at 12:52 pm I received a call from
888-733-1288.....**United Recovery Systems**
3. Wednesday Dec. 12, at 5:04 am, I received a call from
866-815-8808.....**United Recovery Systems**
4. Wednesday Dec. 12, at 12:44 pm , I received a call from
888-763-2427.....**United Recovery Systems**
5. Friday Dec. 14, 2012 at 12:05 pm , I received a call from
888-763-3211.....**United Recovery Systems**
6. Monday Dec. 17, 2012 at 12:51 pm , I received a call from
866-891-6939.....**United Recovery Systems**
7. Tuesday Dec. 18, 2012 at 1:08 pm , I received a call from
866-891-6637.....**United Recovery Systems**
8. Thursday Dec. 20, @ 1:41 pm, I received a call from
888-733-1288.....**also United Recovery**
9. Friday Dec. 21st, @ 1:32 pm, I received a call from
866-8916934.....**also United Recovery**
10. Saturday Dec. 22, @ 9:51 am, I received a call from
888-733-1270.....**also United Recovery**
11. Wednesday Dec. 26, @ 2:32 pm, I received a call from
888-733-1288.....**also United Recovery**
12. Wednesday Dec. 26, @ 12:58 pm, I received a call from
800-662-1877.....**also United Recovery**

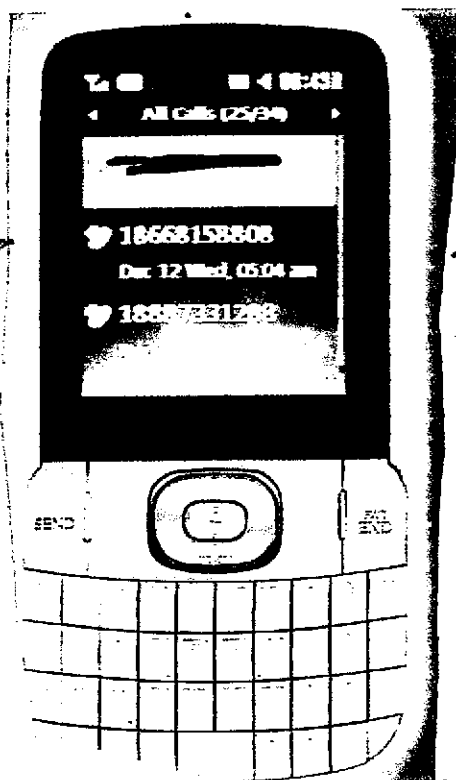
EXHIBIT I

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EXHIBIT II
(Evidence of call received at 5:04am)

Automated call from URS

Manzano
Cellular Phone →



← 5:04 A/M

EXHIBIT II